

06-05-06

D/Fel

Docket No.: 60,933 (70820)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: K. Shimano, et al.

Serial No.: 10/789,363 – Conf. #5137

Group No.: 2851

Filed: February 26, 2004

Examiner: William B. Perkey

For: FOLDING TYPE CAMERA DEVICE AND FOLDING TYPE PORTABLE
TELEPHONE

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION REQUESTING WITHDRAWAL OF HOLDING OF
ABANDONMENT UNDER 37 CFR 1.181(a)**

On April 14, 2006, the U.S. Patent Office mailed to Applicants a Notice of Abandonment. Pursuant to 37 CFR 1.181(a) and MPEP 711.03(c)(1), applicants contend that the above-identified application is not in fact abandoned and hereby petition for and request withdrawal of the holding of abandonment. As indicated in MPEP 711.03(c)(1), this petition does not require a fee.

Because this petition is being filed within two months of the mailing date of the Notice of Abandonment, applicants submit that the petition should be accepted and considered and not dismissed as untimely. See MPEP 711.03(c)(1)(C) and 37 CFR 1.181(f).

The Notice of Abandonment indicates that applicants failed to timely pay the issue and publication fee by the due date of February 24, 2006.

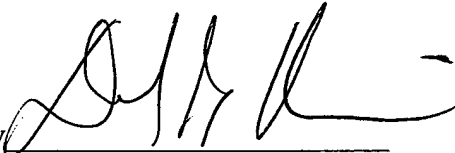
Pursuant to 37 CFR 1.181(b), applicants provide photocopies of the following:

1. Postcard receipt, date-stamped and acknowledged by the USPTO on February 24, 2006.
2. A copy of the Issue Fee Transmittal mailed February 24, 2006.
3. A copy of the Express Mail Receipt date-stamped February 24, 2006.
4. A copy of a log sheet of IKON's outgoing express mail packages showing Express Mail Label No. EV756279903 US was mailed on February 24, 2006.
5. A copy of the Notice of Abandonment.

In summary, Applicants contend that they timely submitted all necessary papers and paid all necessary fees and that the above-identified application is not in fact abandoned.

Dated: June 2, 2006

Respectfully submitted,

By 

David G. Conlin

Registration No.: 27,026

EDWARDS ANGELL PALMER & DODGE,
LLP

P.O. BOX 55874

Boston, Massachusetts 02205

(617) 517-5515

Attorney for Applicant



Application No. (if known): 10/789,363

Attorney Docket No.: 60933(70820)

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 755073355 US in an envelope addressed to:

Mail Stop: Issue Fee
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on 6/2/2006
Date

Louise M. Rappaport
Signature

Louise Rappaport

Typed or printed name of person signing Certificate

Registration Number, if applicable

617 512 5513
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Petition to withdraw a Holding of Abandonment

Based on Failure to Receive Issue Fee (MPEP 711.03(c) I and 37)

New Certificate of Mailing

New return stamped postcard

Copy of Part B-Fee(s) Transmittal (PTOL-85) dated 2/24/2006

Copy of Express Mail Label EV 756279903 US date stamped 2/24/06 by the US Postal Service

Copy of return stamped postcard date-stamped 2/24/06 by the US Patent Office

Copy of IKON Log sheet showing outgoing Express Mail on 2/24/2006



Atty Docket No.: 60933(70820)

Inventor: Katsuitsu Nishida et al.

Application No.: 10/789,363-Conf. #5137 Filing Date: February 26, 2004
Title: FOLDING TYPE CAMERA DEVICE AND FOLDING TYPE PORTABLE
TELEPHONE

Documents Filed:

(Fee Transmittal (1 page)
PTOL-85
Charge \$1,730.00 to deposit account 04-1105

Via: Express Mail: Airbill No. EV756279903US
Sender's Initials: DGC/kmd

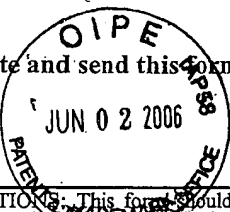
Date: 2/24/2006

EV756279903US

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with a cable fee(s), to: Mail

Mail Stop ISSUE F.
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885



INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All future correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

21874 7590 11/30/2005

EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Louise Rappaport

(Depositor's name)

(Signature)

February 24, 2006

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,363	02/26/2004	Kiyoharu Shimano	60933 (70820)	5137

TITLE OF INVENTION: FOLDING TYPE CAMERA DEVICE AND FOLDING TYPE PORTABLE TELEPHONE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	02/28/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
PERKEY, WILLIAM B	2851	396-073000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 David G. Conlin

2

3 Edwards Angell Palmer & Dodge LLP

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Sharp Kabushiki Kaisha

Osaka, Japan

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☒ Advance Order - # of Copies 10

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 04-1105 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date February 24, 2006

Typed or printed name

David G. Conlin

Registration No. 27,026

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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DGC / GTWH

60933(70820)



Inventor: Katsuitsu Nishida et al.

Atty Docket No.: 60933(70820)

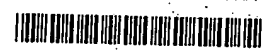
Application No.: 10/789,363-Conf: #5137

Filing Date: February 26, 2004

Title: FOLDING TYPE CAMERA DEVICE AND FOLDING TYPE PORTABLE TELEPHONE

Documents Filed:

- ☐ Fee Transmittal (1 page)
- ☐ PTOL-85
- Charge \$1,730.00 to deposit account 04-1105



02-24-2006

U.S. Patent & TMO/TM Mail Rcpt Dt #72

Via: Express Mail: Airbill No. EV756279903US

Sender's Initials: DGC/kmd

Date: 2/24/2006



EDWARDS ANGELL PALMER & DODGE LLP

Outgoing Express Mail Packages

	Addressee	Attorney/Last Name	Client Matter Number	Express Mail Tracking Number	Admin	Receipt Initials
			February 24, 2006			
1	Commissioner For Patents	Tosti	63244 (71589)	EV 756260589 US	ANDREU	<i>dia</i>
2	Commissioner For Patents	Sparks	45753DI (71550)	EV 756035000 US	Bizokas	<i>gag</i>
3	Commissioner For Patents	Sparks	49444RCE (48340)	EV 756034993 US	Bizokas	<i>gag</i>
4	Commissioner For Patents	Jensen	64944 (70904)	EV 756260076 US	Chicos	<i>NPC</i>
5	Commissioner For Patents	CORLESS	50498/64606	EV 754866367 US	DILLON	<i>g</i>
6	Commissioner For Patents	CORLESS	50498/64596	EV 754867084 US	DILLON	<i>g</i>
7	Commissioner For Patents	Conlin	60933 (70820)	EV 756279903 US	Drury	<i>NPC</i>
8	Commissioner For Patents	O'Day	56476-D2 (52780)	EV 756035441 US	Dunkle	<i>g</i>
9	Commissioner For Patents	O'Day	56476 DIVI (52780)	EV 756035438 US	Dunkle	<i>g</i>
10	Commissioner For Patents	O'Day	71826/61797	EV 756035415 US	Dunkle	<i>g</i>
11	Commissioner For Patents	Collins/Tucker	61083 (49381)	EV 756265325 US	Grindrod	<i>KG</i>
12	USCIS Asylum Office	Gorayeb	99998 0640	ER 236673242 US	Grindrod	<i>KG</i>
13	Commissioner For Patents	CHACLAS	59333/71905	EV 756031569 US	JENNESS	<i>AK</i>
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DGC/GWH 60933 (70820)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,363	02/26/2004	Kiyoharu Shimano	60933 (70820)	5137

21874 7590 04/14/2006

EDWARDS & ANGELL, LLP

P.O. BOX 55874

BOSTON, MA 02205

EXAMINER

PERKEY, WILLIAM B

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 04/14/2006

RECEIVED

APR 19 2006

EDWARDS ANGELL PALMER & DODGE LLP
14 DOCKETING DEPT. (2013)

Please find below and/or attached an Office communication concerning this application or proceeding.

SEE
OTHER SIDE



Notice of Abandonment

Application No.

10/789,363

Examiner

PERKEY

Applicant(s)

Shimano

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Attachment to Notice of Abandonment

For questions concerning the notice contact

Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) 'Certificate of Mailing' 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA. 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment